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COMMISSION ON HUMAN RIGHTS
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Agenda item 8

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Argentina, Austria, Belgium*, Bulgaria*, Canada, Chile, Colombia*, Cyprus*, Czech Republic, Denmark, El Salvador, Finland*, France, Georgia*, Germany, Greece*, Hungary, Ireland, Italy, Liechtenstein*, Lithuania, Luxembourg, Madagascar, Norway*, Poland, Portugal*, Romania*, Senegal, Slovakia*, Spain*, Sweden*, Switzerland*, United Kingdom of Great Britain and Northern Ireland: draft resolution

1998/... Question of arbitrary detention

The Commission on Human Rights,

Reaffirming articles 3, 9, 10 and 29, as well as other relevant provisions of the Universal Declaration of Human Rights,

Recalling articles 9, 10, 11 and 14 to 22 of the International Covenant on Civil and Political Rights,

Bearing in mind that, in accordance with the Commission's resolution 1991/42 of 5 March 1991, the task of the Working Group on Arbitrary Detention is to investigate cases of detention imposed arbitrarily or otherwise inconsistently with the relevant international standards set forth in the Universal Declaration of Human Rights or in the relevant international legal instruments accepted by the States concerned,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the economic and social council.

Reaffirming its resolution 1997/50 of 15 April 1997,

Having considered the report of the Working Group on arbitrary detention (E/CN.4/1998/44 and Add.1 and 2)

1. Takes note:

(a) of the work of the Working Group on Arbitrary Detention and underlines positive initiatives it has taken to strengthen cooperation and dialogue with States, and the establishment of cooperation with all those concerned by the cases submitted to it for consideration, in accordance with its mandate;

(b) of the importance that the Working Group attaches to coordination with other mechanisms of the Commission on Human Rights, with other relevant United Nations bodies and with treaty-monitoring bodies, as well as to the strengthening of the role of the High Commissioner for Human Rights in such coordination, and encourages the Working Group to take all necessary measures to avoid duplication with those mechanisms, in particular regarding the treatment of the communications it receives and field visits;

(c) of the report of the Working Group;

2. Welcomes the efforts of the Working Group on Arbitrary Detention to revise its methods of work in accordance with resolution 1997/50;

3. Takes note in this regard of its revised methods of work (E/CN.4/1998/44, annex I) and invites it to ensure their implementation, in accordance with the relevant provisions of Commission resolutions 1996/28 and 1997/50;

4. Takes note also of the preliminary observations made by the Working Group on the situation of immigrants and asylum-seekers, in accordance with the request made by the Commission on Human Rights in its resolution 1997/50, and encourages it to continue its work in this area;

5. Requests Governments concerned to take account of the Working Group's views and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty and to inform the Working Group of the steps they have taken;

6. Encourages Governments concerned:

(a) to pay attention to the recommendations of the Working Group concerning persons mentioned in its report who have been detained for a number of years;

(b) to take appropriate measures in order to ensure that their legislation in these fields is in conformity with the relevant international standards and the relevant international legal instruments applicable to the States concerned, and not to extend states of emergency beyond what is strictly required by the situation, or to limit their effects;

7. Encourages all Governments to invite the Working Group to visit their countries in order that it may fulfill its mandate even more effectively;

8. Requests Governments concerned to give the necessary attention to the "urgent appeals" addressed to them by the Working Group on a strictly humanitarian basis and without prejudging its final conclusions;

9. Expresses its profound thanks to Governments which have extended their cooperation to the Working Group and responded to its requests for information, and invites all Governments concerned to demonstrate the same spirit of cooperation;

10. Welcomes the fact that the Working Group has been informed of the release of many individuals whose situation had been brought to its attention;

11. Requests the Secretary-General:

(a) to extend his assistance to Governments expressing the wish to receive it, as well as to Special Rapporteurs and working groups, with a view to ensuring promotion and observance of the guarantees relating to states of emergency that are laid down in the relevant international instruments;

(b) to ensure that the Working Group receives all necessary assistance, particularly in regard to staffing and resources needed to discharge its mandate, and notably with respect to field missions;

12. Requests the Working Group to submit to it, at its fifty-fifth session, a report on its activities and on the implementation of the present resolution, and to include any suggestions and recommendations which would enable it to discharge its task in the best possible way, and to continue its consultations to that end within the framework of its terms of reference;

13. Decides to continue its consideration of the question at its fifty-fifth session under the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment".